

9186 CIVIL DOCKET

9186

H. VEARLE PAYNE

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

## TITLE OF CASE

## ATTORNEYS

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
WOLVERINE WORLD WIDE, INC.,  
Defendant.

For plaintiff:

Hon Victor R. Ortega  
U. S. Attorney  
P. O Box 607  
Albuquerque, New Mexico

Lawrence W. Somerville  
Richard E. Neuman  
Antitrust Division  
Department of Justice  
1444 United States Courthouse  
312 North Spring Street  
Los Angeles, California 90012  
(213) 688-2507

For defendant:  
R. Malcolm Cumming (616) 459-0121  
Warner, Norcross & Judd  
One Vandenberg Center  
Grand Rapids, Michigan 49502

Rodey, Dickason, Sloan, Akin & Robb  
(Jackson G. Akin)  
P. O. Box 1888  
Albuquerque, New Mexico 87103

NATURE: Conspiracy in Restraint of  
Interstate Trade and Commerce.

| STATISTICAL RECORD | COSTS        |  | DATE | NAME OR<br>RECEIPT NO. | REC. | DISB. |
|--------------------|--------------|--|------|------------------------|------|-------|
| J.S. 5 mailed      | Clerk        |  |      |                        |      |       |
| J.S. 6 mailed      | Marshal      |  |      |                        |      |       |
| Basis of Action:   | Docket fee   |  |      |                        |      |       |
|                    | Witness fees |  |      |                        |      |       |
| Action arose at:   | Depositions  |  |      |                        |      |       |

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FPI MI-10-24-69-ZON-4125

| DATE            | PROCEEDINGS  | Date Order or Judgment Noted |
|-----------------|--|------------------------------|
| 1971<br>Oct. 19 | Filing Complaint<br><br>Summons, original and one service copy with copy of complaint issued and handed to attorney for plaintiff for delivery to the Marshal.   | JS 5<br><br>mw               |
| Oct. 22         | Filing Entry of Appearance of Warner, Norcross & Judd and Rodey Firm on behalf of defendant.   | em                           |
| Oct. 26         | Filing Marshal's return of service on Wolverine World Wide, Inc. of Summons and Complaint served 10/21/71  | mw                           |
| Nov. 8          | Filing Answer of defendant. (no counterclaim)  | em                           |
| Nov. 22         | Set for pretrial conference at Albuquerque on Wednesday, Jan. 26, 1972 at 1:30 p.m. before Judge Payne. Notice given.  | jse                          |
| Dec. 2          | Pretrial conference of Jan. 26, 1972 vacated. Reset for Wed., December 29, 1971 at 9:00 a.m. at Albuquerque before Judge Payne. Notice given.  | jse                          |
| Dec. 28         | Filing Plaintiff's Proposed Agenda for the Pretrial conference of December 29, 1971.   | mw                           |
| Dec. 29         | Filing and entering Order that Jackson G. Akin of Rodey, Dickason, Sloan, Akin & Robb, is appointed liaison counsel for the defendant Wolverine; and timetable adopted for filing pleadings and motions, including discovery motions; and that a trial date will be established in June, 1972.(PAYNE). |                              |
|                 | Copies of aboveorder sent to counsel as notice of entry.   | mw                           |
| Dec. 29         | First pretrial conference held.  |                              |
| Dec. 30         | Filing transcript of Hearing before Judge Payne on Dec.29, 1971, at 9:00 A.M. (Original and duplicate)   | djm                          |
| 1-14-72         | SECOND PRETRIAL CONFERENCE HELD. Further pretrial set for 9:00 a.m. April 13, 1972 at Albuquerque. Counsel notified by calendar.   | jse                          |
| 1-31-72         | Filing Interrogatories propounded by Plaintiff to Defendant Wolverine World Wide, Inc.   | em                           |
| 3-3-72          | Filing Stipulation & Order that the time table set forth in para. 2(b) of the Order dated December 29, 1971 is modified to provide that Deft. Wolverine World Wide, Inc., shall have until Feb. 18, 1972 to file all discovery motions except for depositions.<br>E. E. GREESON, Clerk                 |                              |
|                 | Copy mailed to counsel as notice of entry.   | em                           |
| 2-22-72         | Filing Defendant's Interrogatories directed to Plaintiff.  | em                           |
| 3-9-72          | Filing Defendant Wolverine World Wide, Inc's Answers to Interrogatories propounded by Plaintiff.   | em<br>con't                  |

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| DATE    | PROCEEDINGS  | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 1972    |  |                              |
| 3-9-72  | Filing pleading that Exhibits numbered 1 through 124 were submitted to counsel for plaintiff. Because of their volume, they are not attached and filed herewith.   | em                           |
| 3-30-72 | Filing Notice of Taking Depositions of John T. Hart and Thomas D. Perkins.   | em                           |
| 3-31-72 | Filing Plaintiff's Answers to Interrogatories propounded by Defendant Wolverine.   | em                           |
| 4-3-72  | Filing Plaintiff's Notice to take depositions of Richard J. Barry and Francis Ryan.  | mw                           |
| 4-13-72 | Filing Plaintiff's Notice to take deposition of Perry Randle.<br>Filing Plaintiff's Notice to take deposition of Edith Blunt.<br>Filing Notice to take deposition of Swede Schwensen.  |                              |
| 4-13-72 | THIRD PRETRIAL CONFERENCE HELD, Henry, Rep.  | jse                          |
| 4-17-72 | Filing Notice of Taking Deposition of Samuel Boremaster.<br>Filing Notice of Taking Deposition of A. W. Perry.<br>Filing Notice of Taking Deposition of Thomas E. Smith and Elmer Smith.<br>Filing Notice of Taking Deposition of Tom Egett and Harold Vaughn. |                              |
| 4-17-72 | Filing Notice of Taking Depositions of William C. Carmichael; Nathan Rakita; Sidney Hersch and Joe Gordon.   | em                           |
|         | Filing Notice of Taking Depositions of Perry Randle, Edith Blunt and Swede Schwensen.  | em                           |
| 4-19-72 | Filing Notice of Taking Deposition of Gerald M. Miller.  | em                           |
| 4-25-72 | Set for non-jury trial at Albuquerque on Monday, July 10, 1972 at 9:00 a.m. before Judge Payne. Counsel notified by letter and copy of court calendar.   | jse                          |
| 4-26-72 | Filing Transcript of Pretrial Conference had April 13, 1972.   | em                           |
| 4-26-72 | Filing Marshal's return of service of subpoena on Mr. Thomas E. Smith, served 4/20/72.   | mw                           |
| 4-27-72 | Filing Deposition and Answers of Elmer L. Smith, Thomas E. Smith, and Gerald M. Miller, taken on the 24th day of April, 1972, to be read in evidence at the trial.   | em                           |

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| DATE    | PROCEEDINGS  | Date Order or Judgment Noted |
|---------|--|------------------------------|
| 4-28-72 | Filing Memorandum of Issue of the Case.  | em                           |
| 4-28-72 | Filing and entering Order that the trial of this action is tentatively set for July 10, 1972, counsel for plaintiff and defendant shall exchange lists of additional witnesses no later than 10 days before trial date, both parties shall submit to the Court and exchange trial briefs by June 20, 1972, counsel for parties shall submit by April 28, 1972 a joint statement of the broad issue or issues to be tried.(PAYNE) |                              |
|         | Copies of order sent to counsel as notice of entry.  | mw                           |
| 5-1-72  | Filing U. S. Marshals Service of subpoena directed to Mr. Gerald M. Miller served 4/24/72.   | em                           |
| 5-3-72  | Filing plaintiff's notice of taking deposition of James Woolems, III.<br>Filing plaintiff's notice to take depositions of the following: Wohl Shoe Company, Bert Fleeman, Jack Schultz and Louis J. Schaefer.  | mw                           |
| 5-1-72  | Filing Marshal's return of service of subpoena on Elmer Smith, served 4/22/72.   | mw                           |
| 5-11-72 | Filing U.S. Marshals Service of subpoena directed to Samuel Boremaster served 4/20/72.<br>Filing subpoena directed to Tom Egett served 4/19/72.  |                              |
|         | Filing subpoena directed to Harold Vaughn served 4/19/72.  | em                           |
| 5-15-72 | Filing Deposition of Perry Randle and Edith Blunt.   | em                           |
| 5-19-72 | Filing Deposition of Robert W. Sweet.  | krg                          |
| 5-23-72 | Filing envelope endorsed as deposition of Salvatore V. Casolaro, taken on behalf of plaintiff.   | mf                           |
| 5-23-72 | Set for pretrial conference at Albuquerque on Friday, June 9, 1972 at 9:00 a.m. before Judge Payne. Counsel notified by letter.  | jse                          |
| 5-26-72 | Filing Deposition of Maurice Renaud.   | em                           |
| 5-26-72 | Filing the following subpoenas with returns:<br>Bert Fleeman served 5/13/72<br>Wohl Shoe Co. 5/12/72<br>Jack Schultz 5/19/72<br>Louis J. Schaefer 5/12/72  |                              |
| 6-2-72  | Filing deposition of Mr. James Woolems.  | em                           |

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| DATE       | PROCEEDINGS   | Date Order or Judgment Noted |
|------------|---|------------------------------|
| 6-3-72     | Filing Notice of Taking Deposition of James Woolems.<br>Filing Notice of Taking Depositions of Wohl Shoe Company; Bert Fleeman; Jack Shultz and Louis J. Schaefer.  |                              |
| 6-9-72     | Albuquerque/Payne, J./Linda Malone, act. rep. 9:00 a.m. called for pretrial conference. Counsel announce case settled.<br>Filing Stipulation that parties consent that a final judgment in the form attached may be filed and entered by the Court at any time after the expiration of 30 days.<br>Final Judgment lodged with Court, to be signed after 30 days. (judgment lodged in deposition folder.)<br>Trial setting of July 10, 1972 vacated. | jse                          |
| 6-9-72     | Filing envelope endorsed as depositions of Richard L. Simpson and John Bunbury.   | .nf                          |
| 6-26-72    | Filing the following depositions: Floyd C. Johnston; Louis J. Schaefer; Bert Fleeman; and John Harbaugh.  | mf                           |
| 7-10-72    | <b>Filing and entering Final Judgment. (Payne)</b>  |                              |
| 7-11-72    | <b>Notice of entry given by copy to counsel.</b><br><br><b>FINAL DOCKET JS 6</b>  | em                           |
| 11-3-72    | Filing Defendant Wolverine World Wide, Inc. Report of Compliance as required by final judgment of the Court.  | rm                           |
| Jul. 11-74 | <b>PLAINTIFFS DEPOSITIONS RETURNED to Counsel</b>   | JL                           |
| 9-19-75    | Report of Compliance by Defendant.  | mw                           |
| 12-27-76   | Report of Compliance by defendant.  | lc                           |
| 7-29-77    | REPORT of compliance by deft.   | lc                           |
| 7-10-78    | REPORT of compliance by deft with cover letter to Antitrust Division.   | lc                           |
| 9-10-79    | REPORT of compliance by deft with cover letter to Antitrust Division.   | ctw                          |
| 9-8-80     | REPORT of compliance by deft with cover letter to Antitrust Division.   | kkf                          |
| 8-16-81    | REPORT of compliance by deft pursuant to paragraph X of the Final Judgment, w/ cover letter to Antitrust Division.  | cab                          |
| 7-13-82    | REPORT of compliance by deft pursuant to paragraph X of the Final Judgment, w/ cover letter to Antitrust Division.  | cab                          |